

newly named defendant(s). *See, e.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Any claims from the original complaint, supplements, or pleadings that are not included in the amended complaint will be deemed abandoned and will not be considered. *Id.* The allegations may not be conclusory. Plaintiff must plead facts that show how each defendant is personally involved in or directly responsible for his alleged harm. All of Plaintiff's claims should be clearly set forth in the "Statement of Claim" in the Court-provided form. He should not use additional supplements.

Unless Plaintiff files an amended complaint within 21 days according to these instructions, this action will be dismissed without prejudice and without further notice.

MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff has also moved for appointment of counsel, Doc. [8]. In civil cases, a litigant does not have a constitutional or statutory right to appointed counsel. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013). A district court may appoint counsel in a civil case if the court is "convinced that an indigent plaintiff has stated a non-frivolous claim . . . and where the nature of the litigation is such that plaintiff as well as the court will benefit from the assistance of counsel." *Patterson v. Kelley*, 902 F.3d 845, 850 (8th Cir. 2018). In making that decision, a court considers such factors as the complexity of the case, the ability of the pro se litigant to investigate the facts, the existence of conflicting testimony, and the ability of the pro se litigant to present his or her claim. *Phillips v. Jasper Cty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006).

On review of the factors, the Court finds that appointment of counsel is not warranted at this time. Plaintiff has so far shown that he can adequately present his claims to the Court, and neither the factual nor the legal issues in this case appear to be complex. The Court will entertain future motions for appointment of counsel as the case progresses.

Accordingly,

IT IS HEREBY ORDERED that the Clerk shall add the United States Probation Office for the Eastern District of Missouri and Probation Officer Jennifer Rukstad as defendants in this action.

IT IS FURTHER ORDERED that Plaintiff's Motion to Proceed *In Forma Pauperis*, Doc [3], is **DENIED without prejudice**.

IT IS FURTHER ORDERED that Plaintiff's Motion for Appointment of Counsel, Doc [8], is **DENIED**.

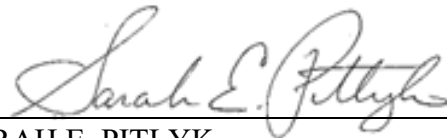
IT IS FURTHER ORDERED that the Clerk of Court shall mail to Plaintiff copies of the Court's Prisoner Civil Rights Complaint form and Motion to Proceed in Forma Pauperis – Prisoner Cases form.

IT IS FURTHER ORDERED that, within **twenty-one (21) days** of the date of this Order, Plaintiff shall file an amended complaint on the Court's Prisoner Civil Rights Complaint form and in compliance with the Court's instructions.

IT IS FINALLY ORDERED that, within **twenty-one (21) days** of the date of this Order, Plaintiff shall either pay the \$405 filing fee or submit a motion to proceed *in forma pauperis* on the Prisoner Cases Court-provided form.

Plaintiff's failure to timely comply with this Order shall result in the dismissal of this action, without prejudice and without further notice.

Dated this 9th day of April, 2025.

A handwritten signature in cursive script, reading "Sarah E. Pitlyk", written in dark ink. The signature is positioned above a horizontal line.

SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE